

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TRACEY RYHEEM HARRIS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JEFFREY ALLEN WILSON,

Respondent-Appellant,

and

PATRICIA HARRIS,

Respondent.

UNPUBLISHED

March 22, 2005

No. 257622

Washtenaw Circuit Court

Family Division

LC No. 04-000060-NA

Before: Murray, P.J., and Markey and O'Connell, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g) (failure to provide for the proper care and custody of the child). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant had been incarcerated for almost all of the minor child's life. During that time, the minor child's mother neglected the child, leaving him with various individuals while she went on drug binges. The evidence established that respondent-appellant failed to arrange for the child's care during these episodes. Respondent-appellant also has a lengthy criminal history and a severe drug abuse problem. He is currently serving concurrent sentences of 1 to 2 years on a criminal sexual conduct charge involving a child and 1 to 20 years for probation violation. There is no date set for his release.

Once, while released from prison, respondent-appellant had custody of another son. During this time, respondent-appellant would call his sister to care for the son while he went on drug binges. The release and custody were brief because respondent-appellant was charged with

criminal sexual conduct within two months of his release. The criminal sexual conduct occurred while his son was living with him. Under these circumstances, the trial court correctly found by clear and convincing evidence that respondent-appellant has failed to provide the minor child at issue with proper care and custody and is unlikely to remedy that failure within a reasonable time.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The minor child was six years old at the time of trial and had never had a stable home. The evidence showed that he had lived with four different families in the three weeks before the initial petition was filed, and with seven different families in the previous three years. The testimony indicated there was no bond between respondent-appellant and the minor child, and their relationship was minimal. Respondent-appellant provided no plan for taking care of the minor child upon his release from prison. The trial court did not err in finding that there was no evidence that termination of respondent-appellant's parental rights was not in the minor child's best interests.

Affirmed.

/s/ Christopher M. Murray

/s/ Jane E. Markey

/s/ Peter D. O'Connell